

## Section 46

### LANDSCAPING

#### Sections:

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#### **46.010 Intent.**

**A. Purpose and Intent.** The process of development, with its alteration of the natural topography and vegetation and creation of impervious cover can have a negative effect on the ecological balance of an area by causing or accelerating the processes of runoff, erosion and sedimentation. The economic base of the Gallatin County area can and should be protected through the preservation and enhancement of the area's unique natural beauty and environment. Recognizing that the general objectives of this section are to promote and protect the health, safety and welfare of the public, these landscaping regulations as part of this title are adopted for the following specific purposes:

1. To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge and stormwater runoff retardation, while at the same time aiding in noise, glare and heat abatement;
2. To provide visual buffering between land uses of differing character;
3. To enhance the beauty of the zoning jurisdiction;
4. To protect the character and stability of residential, business, institutional and industrial areas;
5. To preserve the value of land and buildings; and
6. To conserve energy.

#### **B. Interpretation and Scope.**

1. The provisions of this section shall apply to a lot or site when an application is being made for:
  - a. Site plan approval pursuant to Section 52;
  - b. Signs pursuant to Section 65 where landscaping is required;
  - c. Restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind. For purposes of this paragraph, "restoration" means the act of putting back into a former or original state, only.

2. Notwithstanding the application of subsection B.1 above, these provisions shall not apply to the following:
  - a. Lots containing only single-family and/or residential duplex uses when located outside entryway corridors, except that such lots shall be subject to subsection 46.040.C (Street Frontage Landscaping Required);
  - b. Lots or sites within an approved planned unit development which has been approved with its own landscape plan. However, these provisions shall be used as the basis for determining the landscaping plans for future planned unit developments and such planned unit development landscaping plans shall meet or exceed the standards of these landscape regulations;
  - c. Lots or sites which are designed, reviewed and approved according to the deviation provisions specified in section 46.060 below.

#### **46.020 Definitions.**

**A.** All words in this section shall be defined as provided herein and, if not defined herein, shall be defined as in the definition of terms of Section 4 of this title and, if not defined therein, shall be defined as in the current edition of *The Illustrated Book of Development Definitions* by Harvey S. Moskowitz and Carl G. Lindbloom, and if not defined in *The Illustrated Book of Development Definitions*, shall have their customary dictionary definitions.

**B.** Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory.

"Artificial lot" means an area within the building site that is delineated by the planning director for the sole purpose of satisfying the requirements of this section (see subsection (D)(1) of this section).

"Berm" means a mound of earth two to six feet high, planted with vegetative groundcover, with a slope not exceeding one foot of rise for each two feet of run.

"Caliper" means the diameter of the trunk measured six inches (6") above ground level up to and including four inch (4") caliper size, and measured twelve inches (12") above ground level if the measurement taken at six inches (6") above ground level exceeds four inches (4"). If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

"Canopy tree" means a species of tree which normally bears crown foliage no lower than six feet (6') above ground level upon maturity.

"Enhanced pavement" means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained covered pavement.

"Evergreen tree or shrub" means a tree or shrub of a species which normally retains its leaves/needles throughout the year.

"Groundcover" means natural mulch or plants of species which normally reach a height of less than two feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

"Landscape architect" means a person licensed to practice landscape architecture in the state of Montana.

"Landscaping" means at least seventy-five percent (75%) coverage of an area with natural grass, vegetative groundcover, or other natural living plant materials, the remainder of which is covered with nonvegetative decorative landscape design elements such as washed rock, lava rock, bark chips, and ornamental features such as pools, fountains, benches, etc. For purposes of this title, the term landscaping shall be considered to have the same meaning as the terms landscape, landscaped and landscaped area.

"Large shrub" means a shrub which normally reaches a height of five feet (5') or more upon maturity, and usually has five or more canes.

"Large tree" means a tree of a species which normally reaches a height of twenty-five feet (25') or more upon maturity, and usually has a single stem.

"Lot" means:

1. A "lot" as defined in section 4.910; and
2. An "artificial lot" as defined in this subsection.

"Lot with residential adjacency" means any of the following:

1. A building site in a residential zoning district, if the site abuts or is directly across a public street or alley from an R-1, R-2, R-2a, R-3, R-3a, R-4 or R-O zoning district;
2. A building site in a nonresidential zoning district, if the site abuts or is directly across a public street or alley from an A-S, R-S, R-1, R-2, R-2a, R-3, R-3a, R-4 or R-O zoning district;
3. An artificial lot in a residential district, if the lot is less than two hundred feet from an R-1, R-2, R-2a, R-3, R-3a, R-4 or R-O zoning district;
4. An artificial lot in a nonresidential zoning district, if the lot is less than two hundred feet from an A-S, R-S, R-1, R-2, R-2a, R-3, R-3a, R-4 or R-O zoning district.

"Nonpermeable coverage" means coverage with nonpermeable pavement.

"Nonpermeable pavement" means any pavement that is not "permeable pavement" as defined in this section.

"Permeable pavement" means a paving material that permits water penetration to a soil depth of eighteen inches or more. Permeable pavement may consist of nonporous surface materials poured or laid in sections not exceeding one square foot in an area and collectively comprising less than two-thirds of the total surface area.

"Screening" means a method of visually shielding or obscuring one abutting or nearby structure or use from another through the use of densely planted vegetation and/or berms.

"Small tree" means a tree of a species which normally reaches a height of less than twenty-five feet (25') upon maturity.

"Soil" means a medium in which plants will grow.

#### **46.030 General Landscaping Provisions.**

##### **A Designation of Artificial Lot.**

1. All the lots and building sites described in subsection 46.010.B.1 shall be subject to landscaping provisions; however, if a building site is over two (2) acres in size, the applicant may request that the planning director create an artificial lot to satisfy the requirements of this section.
2. The planning director shall not create an artificial lot which would, in his/her opinion, violate the spirit of these landscape regulations. An artificial lot must:
  - a. Wholly include the area on which the development is to occur; and
  - b. Have an area that does not exceed fifty percent (50%) of the area of the original site.
3. Platting Not Required for Artificial Lots. An artificial lot need not be platted; however it must be designated on plans approved by the planning director, staff, planning board or commission prior to the issuance of a building permit.

##### **B. Landscape Plan Submission.**

1. Submittal with Site Plan Application. If these landscape regulations apply to a lot or site subject to plan review and approval outlined in Section 52, a separate landscape plan shall be submitted as part of the site plan application unless the required landscape information can be included in a clear and uncluttered manner on a one inch to twenty feet site plan.
2. Landscape Plat Format. The landscape plan submittal shall include:
  - a. Twenty blueline or blackline copies of the plan;
  - b. Maximum scale of one inch to twenty feet (1"=20');
  - c. Standard drawing sheet of a size not to exceed twenty-four inches by thirty-six inches (24"x36"); a plan which cannot be drawn entirely on a twenty-four inch by thirty-six inch sheet must be drawn on two or more sheets, with match lines.
3. Preparation of Landscape Plan. Landscape plans shall be prepared and certified by:
  - a. A registered Montana landscape architect;
  - b. An individual with a degree in landscape design and two years of professional design experience; or
  - c. An individual with a degree in a related field (such as horticulture, botany, plant science, etc.) and at least five years of professional design experience.
4. Contents of Landscape Plan. A landscape plan required pursuant to this title shall contain the following information:
  - a. Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan;
  - b. Location of existing boundary lines and dimensions of the lot, the zoning classification of the lot, and the zoning classification of adjacent properties. A vicinity map should also be attached on or made a part of the plan;
  - c. Approximate centerlines of existing water courses and the location of any one hundred-year floodplain; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys,

utility easements, utility lines, driveways, and sidewalks on the lot and/or adjacent to the lot.

- d. Project name, street address, and lot and block description;
- e. Location, height and material of proposed screening and fencing (with berms to be delineated by one-foot contours);
- f. Locations and dimensions of proposed landscape buffer strips;

- g. Complete landscape legend providing a description of plant materials shown on the plan, including typical symbols, names (common and botanical name), locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in caliper must be specifically indicated;
- h. Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas and the number and location of required off-street parking and loading spaces;
- i. An indication of how existing healthy trees (if any) are to be retained and protected from damage during construction;
- j. Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features;
- k. A description of proposed watering methods.
- l. Location of visibility triangles on the lot (if applicable);
- m. Designated snow removal storage areas;
- n. Complete description and details of pavement, curbs, sidewalks and gutters;
- o. Front and side elevations of buildings, fences and walls with height dimensions;
- p. Show location of existing and/or proposed drainage facilities which are to be used for drainage control;
- q. Existing and proposed grade;
- r. Location, dimension (size and height) and use of existing and proposed buildings, fences and walls. Show open stairways and other projections from exterior building walls;
- s. Table of landscape performance point totals as per section 46.050 below.

### **C. Landscape Plan Review.**

- 1. The staff and, if required by this title the planning board and the commission, shall review each landscape plan to determine whether or not it complies with the requirements of this section.
- 2. All landscape plans must comply with the mandatory landscape provisions in section 46.040 below.
- 3. In addition, all landscape plans must earn a minimum number of points as specified in subsection 46.050. Points are awarded for specified landscape features and elements based upon their relative value or merit. The alternatives for achieving the minimum points needed for approval are provided in section 46.050, Landscape Performance Standards, below.

### **46.040 Mandatory Landscaping Provisions.**

**A. Yard Landscaping Required.** For all uses in all districts, unless otherwise provided by specific approval through design review procedures, all front, side, and rear yards, exclusive of permitted access drives, parking lots, and accessory structures, shall be landscaped as defined herein. All landscaped areas shall be perpetually maintained in a healthy condition.

1. Additional Screening Requirements. The approval authority may require additional screening when it is determined to be in the best interest of the affected properties. Such additional screening may be required between existing and/or future:
  - a. Single-family and multifamily developments or apartment buildings;
  - b. Multifamily and multifamily developments or apartment buildings;
  - c. Residential and nonresidential uses; or
  - d. Nonresidential uses of differing character and/or intensity.

**B. Parking Lot Landscaping.**

1. For purposes of defining parking lot landscaping requirements, the term "parking lot" means the area within the perimeter of the paved portion of the parking lot, including driving aisles but not including access drives.
2. All surface parking lots on the building site or artificial lot, whichever is applicable, shall be landscaped in accordance with the following paragraphs which describe landscaping requirements in addition to the yard landscaping requirements for the site:
  - a. Parking Lot Screening Required.
    - i. All parking lots located on a lot with a residential adjacency must be screened from that residential adjacency.
    - ii. All parking lots located between a principal structure and a public street, except in M- I and M-2 districts, must be screened from the public street.
    - iii. The screening required shall be not less than eight feet (8') in width and shall be maintained at a height of four to six feet (4'-6') except as otherwise restricted by fence and hedge height limits within required front yards and site triangles.
  - b. Large canopy trees, large non-canopy trees or small trees must be provided in, or immediately adjacent to, all parking lots at a minimum average density of:
    - i. One large canopy tree; or
    - ii. One large non-canopy tree and one small tree; or
    - iii. Three small trees; for each nine parking spaces required or provided, whichever is greater.
  - c. No parking space may be located more than ninety feet (90') from the trunk of a tree.
  - d. No tree may be planted closer than four feet (4') to the paved portion of the parking lot.
  - e. Additionally, any parking lot providing fifteen (15) or more parking spaces shall have a minimum of twenty (20) square feet of landscape area within the parking lot for each off-street parking space in the lot provided as follows:
    - i. Wherever possible, the interior parking lot landscaping shall be designed to facilitate, control and denote proper vehicular circulation patterns.
    - ii. Internal parking lot landscaping provided shall be proportionately dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred feet, with landscaped areas provided in an appropriate scale to the size of the parking lot.

- iii. The minimum width and/or length of any parking lot landscaped area shall be eight feet (8').
- f. The above standards are minimum mandatory standards which may be superseded by the provisions of section 46.050 below, for receipt of performance standard points.



3. Screening of Off-Street Loading Spaces.
  - a. All off-street loading spaces on a lot with residential adjacency must be screened from that residential adjacency.
  - b. In all districts except M-1 and M-2 districts, all off-street loading spaces on a lot must be screened from all public streets adjacent to that lot.
  - c. The screening required under paragraphs a. and b. above must be at least six feet (6') in height.

**C. Street Frontage Landscaping Required.**

1. Except in A-S and R-S districts, all street rights-of-way contiguous with the proposed development site not used for street pavement, curbs, gutters, sidewalks or driveways shall be landscaped as defined in this title and shall include, at a minimum, one large canopy tree for each fifty feet (50') of street frontage. Acceptable large canopy shade trees for use in public rights-of-way include the following species:

Ash, Summit Green (*Fraxinus; pennsylvanica*);  
Honeylocust, Seedless (*Gleditsia triacanthos*);  
Hackberry, Common (*Celtis occidentalis*);  
Linden, American (*Tilia americana*);  
Linden, Littleleaf (*Tilia cordata*);  
Locust, Black (*Robinia pseudoacacia*);  
Maple, Norway (*Acer platanoides*);  
Maple, Schwedler (*Acer platanoides* "Schwedler");  
Maple, Sugar (*Acer saccharum*);  
Mountain Ash, European (*Sorbus aucuparia*);  
Oak, Bur (*Quercus macrocarpa*);  
Walnut, Black (*Juglans nigra*).

2. Where it may be impractical or difficult to plant large canopy trees within the public right-of-way (due to the presence of overhead power lines, for instance) the requirement for one large canopy tree for each fifty feet (50') of street frontage may be substituted with two small ornamental trees per fifty feet of street frontage. Acceptable small ornamental trees for use in public rights-of-way include the following species:

Chokecherry, Amur (*Prunus maackii*);  
Crabapple, many species (*malus* spp.);  
Hawthorn (*Crataegus* spp.);  
Lilac, Japanese Tree (*Syringa reticulata*);  
Maple, Amur (*Acer ginnala*);  
Maple, Tatarian (*Acer tataricum*).

3. Tree species may be added to or deleted from the above lists upon recommendation of a tree advisory board duly appointed by the commission.
4. The minimum quantity of trees and other landscaping required and provided in the public right-of-way as described herein shall be designed to complement on-

site landscaping and to enhance the proposed development project and the streetscape.

5. Street Median Island Landscaping. All street median islands approved through a plan review process shall be landscaped according to requirements determined through the plan review process.

**D. Acceptable Landscape Materials.**

1. Acceptable plant materials shall be those listed in *General Selection Factors for Landscape Trees and Shrubs* by Cooperative Extension Service, Montana State University, Circular No. 1280, October 1982. However, in the case of street frontage landscaping as required in subsection 46.040.C above, acceptable tree species shall be limited to those listed therein.
  - a. No artificial plant materials may be used to satisfy the requirements of this section.
2. Plant materials used to satisfy the requirements of this section must comply with the following minimum size requirements at the time of installation (depending on the standard measuring technique for the species).
  - a. Large trees must have a minimum caliper of one and one-half inches to two inches (1-½" to 2"), or a minimum height of ten feet (10').
  - b. Small trees must have a minimum caliper of one inch to one and one-half inches (1" to 1-½") or a minimum height of eight feet (8').
  - c. Large evergreen shrubs must have a minimum height of two feet (2') or, if of a spreading form, a minimum spread of two feet (2').
  - d. For purposes of this section, height is measured from the top of the root ball or, if the plant is in a container, from the top soil level in the container.
3. Protection of Landscape Areas.
  - a. Perimeter parking lot treatment as required in subsection 47.020.G (Parking Lot Curbing) shall be installed to protect landscape areas adjacent to parking lots.
  - b. Landscape areas within parking lots (i.e., landscape islands or peninsulas) must be protected from vehicular traffic through the use of continuous concrete curbs, or other permanent barriers approved by the road and bridge superintendent. Railroad ties, rolled asphalt, pin down wheel stops or similar methods of curbing are not acceptable methods of landscape protection within parking lots.
4. Irrigation Standards.
  - a. Permanent irrigation systems shall be provided to all landscaped areas. The use of hose bibs on the exterior of existing or proposed structures is not an acceptable method of landscape irrigation unless the landscaped area is adjacent to the existing or proposed structure.
  - b. All irrigation systems and landscaped areas shall be designed, constructed and maintained so as to promote water conservation and prevent water overflow or seepage into the street, sidewalk or parking areas.

5. Required Use of Trees. All landscape plans must include, for each yard with a residential adjacency (as defined), at least one of the performance standards in subsection 46.050.B.2 below that requires the use of one or more trees.

#### **46.050 Landscape Performance Standards.**

**A. Additional Requirements.** In addition to complying with the mandatory landscape provisions in section 46.040 above, all landscape plans must earn a minimum number of points as specified below. Points are awarded for specified landscape features and elements based upon their relative value or merit. The minimum number of points needed for landscape plan approval by zoning district is as follows. The alternatives for achieving the minimum points needed for approval are provided below.

**B. Yard Landscaping Enhancement.** An applicant may earn points under this subsection by enhancing mandatory yard landscaping as follows:

<b>YARD LANDSCAPING ENHANCEMENT POINTS</b>	<b>Lot <i>With</i> Residential Adjacency</b>	<b>Lot <i>Without</i> Residential Adjacency</b>
All districts except B-1 district and PUDs	23	15
B-1	18	15
PUD Overlay	Each proposal within a planned unit development, overlay district, or seeking a deviation to landscaping requirements will be evaluated on the basis of the overall design excellence of the proposal with consideration to the points required by the most applicable zoning district and applicable residential adjacency.	
District deviations		

1. Three points are awarded when the landscaped yard has a minimum average width five feet to ten feet (5'-10') greater than the minimum yard required by this title. Five points are awarded if the minimum average width is more than ten feet greater (>10') than the minimum yard required by this title.
2. Five points per yard (up to fifteen points maximum) are awarded when the landscaped yard contains one or more of the following groups of plant materials at a minimum average density of one group for each fifty linear feet (50') of each landscaped yard:
  - a. One large canopy tree and one large non-canopy tree;
  - b. One large canopy tree and two small trees;
  - c. One large canopy tree and five evergreen shrubs;
  - d. One large canopy tree, one small tree, and two large evergreen shrubs;
  - e. Two large non-canopy trees, and one small tree.
3. In the case of a lot with residential adjacency only, eight points are awarded for providing vegetative screening in the landscaped yard with residential adjacency in accordance with the following subparagraphs:
  - a. The screening must be of natural vegetation at least six feet (6') in height;
  - b. The screening must extend along the entire length of the portion of the landscaped yard where a residential adjacency exists, exclusive of:
    - i. Public street frontage,
    - ii. Driveways and accessways at points of ingress and egress to the lot, and
    - iii. Visibility triangles;
  - c. However, no points are awarded for screening required by subsection 46.040.B above unless the required screening is constructed of earthen berm or evergreen plant materials;

- d. If screening is provided by an earthen berm or evergreen plant materials, the following additional regulations apply:
  - i. An earthen berm must be planted with groundcover. The earthen berm may not have a slope that exceeds one foot of rise for each two feet of run and must be at least four feet (4') high, including planting materials, subject to front yard and sight triangle height limitations.
  - ii. Evergreen plant materials must:
    - (A) Be located in a bed that is at least three feet (3') wide,
    - (B) Be placed a maximum of forty-eight inches (48") on center over the entire length of the bed unless an alternative planting density that a landscape architect certifies as being capable of providing a solid appearance within three years is approved, and
    - (C) Provide a visual barrier of the required height within three years of their initial planting.
- 4. Parking Lot Landscaping.
  - a. Ten points are awarded when all surface parking lots, as defined in subsection 46.040.B of this section on the building site or artificial lot whichever is applicable, are landscaped in accordance with all of the following paragraphs:
    - i. A minimum of twenty (20) square feet of landscape area must be provided in the parking lot for each required off-street parking space in the lot;
    - ii. The parking lot must contain one of the plant groups from subsection B.2 of this section above at an average density of one group, plus an additional one large canopy tree, for each required sixteen (16) parking spaces;
    - iii. No required parking space may be located more than seventy feet (70') from the trunk of a large canopy tree.
- 5. Special Amenities.
  - a. Pedestrian facilities. One point is awarded for each one percent (1%) increment of lot area covered by publicly accessible special pedestrian facilities and features such as plazas, courtyards, covered walkways, fountains, lakes, streams and ponds, seating areas, and outdoor recreation facilities, up to a maximum of five points.

**C. Landscaping of Public Areas.** Maintenance of landscaping installed within the boulevard portion of the public right-of-way shall be the responsibility of adjacent property owners.

#### **46.060 Deviation From Landscaping Requirements.**

**A.** To achieve the optimal landscape design on individual sites or to coordinate the landscape design in an area, it may be necessary to deviate from the strict application of landscaping requirements. An application for such deviation shall be processed through the pertinent design review authority and approved by the commission.

**B.** The application for deviation shall be subject to the submittal and procedural requirements of Section 52, Plan Review and Approval, and shall be accompanied by written and graphic material sufficient to illustrate the conditions that the modified standards will produce, so as to enable the commission to determine that the deviation will produce an environment, landscape quality and character superior to that produced by the existing standards, and will be consistent with the intent and purpose of this section. Upon such a finding, the commission may authorize deviations of up to twenty percent from landscape design standards contained herein.

**46.070            Landscaping Completion and Maintenance.**

**A. Landscaping Completion.** All landscaping must be completed or improvements secured in accordance with the provisions of Section 62.

**B. General Maintenance.**

1. Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan. Failure to maintain required landscaping in a healthy growing condition at all times may result in revocation of an occupancy permit. When enforcing this provision of this title, external factors such as seasonality and availability of landscape stock shall be considered before any action to revoke an occupancy permit is taken.
2. Any damage to utility lines resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.